IN THE HIGH COURT OF JUDICATURE AT PATNA

CR.MISC. NO.18958 OF 2008

BINNA MANDAL @ BINHA MANDAL @ BINDESHWARI MANDAL, SON OF LATE CHEDI MANDAL, RESIDENT OF VILLAGE RAHIPARA GHAT, POLICE STATION BHAWANIPUR, DISTRICT PURNEA

VERSUS

THE STATE OF BIHAR

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4 07.11.2008 Heard Counsel for the petitioner and the A.P.P. representing the State.

The informant's son was fired indiscriminately by a mob consisting eight accused persons including the petitioner. On account of firing, the informant's son fell down and the petitioner and Arun Mandal are the persons who have been described as the assailants. The occurrence took place in presence of the father of the deceased.

Submission is that the three witnesses named in the First Information Report have not named the petitioner as the shooter; they have named Arun Mandal and Others. The deceased had three ante mortem injuries which were caused by the fire arms, but there is no explanation as to who is the author of the three injuries. The murder had taken place in present of the father of the deceased and he has named the petitioner who had fired and caused injury.

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Considering the facts and circumstances of the case, I am not inclined to grant bail to the petitioner Binna Mandal @ Binha Mandal @ Bindeshwari Mandal and this application is hereby rejected.

Anand (Shyam Kishore Sharma, J.)